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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,173	03/16/2004	Dale E. Fiene		1054
Dale E. Fiene 622 Gaslight Drive Algonquin, IL 60102			EXAMINER PAYNE, SHARON E	
			ART UNIT 2875	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,173

Applicant(s)

FIENE, DALE E.

Examiner

Sharon E. Payne

Art Unit

2875

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37, 39-44 and 72-76 is/are allowed.
- 6) ☒ Claim(s) 33, 38, 45, 46, 49-55, 58-65, 68-71 is/are rejected.
- 7) ☒ Claim(s) 47, 48, 56, 57, 66 and 67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-894)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33, 38, 45, 46, 49-52, 54, 55, 58-61, 63-65 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen (U.S. Patent 5,559,393) in view of Ahroni (U.S. Patent 5,829,865).

3. Claims 33, 38, 45, 46, 49-52, 54, 55, 58-61, 63-65 and 68 -70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen in view of Ahroni.

Regarding claim 33, Nilssen discloses a high frequency power source (abstract), an interconnecting cable (CC1) and multiple luminaries (Fig. 8), the luminaires including an electrical component having inductive reactance (reference character ESI, abstract) the high-frequency power source being connected to and power from a standard utility power line (Fig. 8, bottom left) and having a high frequency power output (abstract), the interconnecting cable being connected to the high-frequency power output (Fig. 8), the interconnecting cable not being a track lighting system (Fig. 8). Nilssen does not disclose the interconnecting cable being supplied with no luminaries.

Ahroni discloses the interconnecting cable being supplied from a manufacturing facility with no luminaries connected thereto (Fig. 3, bottom), the system further characterized in that the system is installed by an installer (abstract—any person can be an installer), during installation, luminaries are connected to a single interconnecting cable at multiple points along the interconnecting cable (Figs. 1 and 2) using an insulation-displacement connection (Fig. 3, see lines 28), and the locations of the luminaries being determined by the installer (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ahroni in the apparatus of Nilssen to allow someone to install the lights right on the wire as needed (Fig. 3 and abstract of Ahroni).

Concerning claim 38, Nilssen discloses a high frequency power source (abstract), an interconnecting cable (CC1) and multiple luminaries (Fig. 8), the luminaires including an electrical component having inductive reactance (reference character ESI, abstract). Nilssen does not disclose the cable being supplied with no luminaries.

Ahroni discloses the interconnecting cable being supplied with no luminaries connected there to (Fig. 3, bottom) and the system further characterized in that multiple luminaries can be powered from the same interconnecting cable without severing the interconnecting Cable(Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ahroni in the apparatus of Nilssen to allow someone to install the lights right on the wire as needed (Fig. 3 and abstract of Ahroni).

Regarding claims 45, 54 and 64, Nilssen discloses that the luminaries can be mounted in place prior to the insertion of the cable (Fig. 8).

Concerning claims 46, 55 and 65, Nilssen does not disclose that the interconnecting cable can be installed in place under a cabinet or shelf before the luminaries are mounted.

Ahroni discloses that the interconnecting cable can be installed in place under the cabinet or shelf before the luminaries are mounted in place under the cabinet or shelf (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ahroni in the apparatus of Nilssen to allow someone to install the lights right on the wire as needed (Fig. 3 and abstract of Ahroni).

Regarding claims 49 and 58, Nilssen and Ahroni do not specifically disclose the input terminals having a Circular or oval cross-section.

Making the input terminals have a circular or oval cross section is considered to be an obvious variation. Since the input terminals are well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the input terminals have a circular or oval cross section for aesthetic purposes, since changes in shape involve only routine skill in the art. See MPEP 2144.04.

Concerning claims 50, 59 and 68, Nilssen does not disclose flat input terminals. Ahroni discloses the input terminals (28) having a flat cross section (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ahroni in the apparatus of Nilssen to allow someone to install the lights right on the wire as needed (Fig. 3 and abstract of Ahroni).

Regarding claims 51, 60 and 69, Nilssen discloses the luminaries including a ballasting circuit capable of powering at least one gas-discharge lamp (BA, Fig. 3).

Concerning claims 52, 61 and 70, Nilssen discloses the at least one gas discharge lamp as a single-ended gas-discharge lamp (Fig. 3).

Regarding claim 63, Nilssen discloses a high frequency power source (abstract), an interconnecting cable (CC1) and multiple luminaries (Fig. 8), the luminaires including an electrical component having inductive reactance (reference character ESI, abstract) the high-frequency power source being connected to and power from a standard utility power line (Fig. 8, bottom left) and having a high frequency power output (abstract), the interconnecting cable being connected to the high-frequency power output (Fig. 8), the interconnecting cable not being a track lighting system (Fig. 8). Nilssen does not disclose the interconnecting cable being supplied with no luminaries.

Ahroni discloses the interconnecting cable being supplied from a manufacturing facility with no luminaries connected thereto (Fig. 3, bottom), and multiple luminaries can be powered from the same interconnecting cable without severing the interconnecting cable (Fig. 1), and during installation, luminaries are connected to a single interconnecting cable at multiple points along the interconnecting cable using an insulation-displacement connection (Figs. 1 and 3--see reference number 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ahroni in the apparatus of Nilssen to allow someone to install the lights right on the wire as needed (Fig. 3 and abstract of Ahroni).

4. Claims 53, 62 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen in view of Ahroni as applied to claims 51, 60 and 69 and further in view of Chang et al. (U.S. Patent 6,373,725).

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Regarding claims 53, 62 and 71, Nilssen and Ahroni do not disclose an arrangement capable of changing the power level. Chang et al. discloses an arrangement capable of changing the power level provided to the at least one gas-discharge lamp (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Chang et al. in the apparatus of Nilssen and Ahroni to change the level of power to the apparatus. See the abstract of Chang et al.

Allowable Subject Matter

5. Claims 34-37, 39-44 and 72-76 are allowed.

6. Claims 47-48, 56-57 and 66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a luminaire with the following features:

- 1) the terminal disclaimer is approved for claims 34-37 and 72-76;
- 2) the input terminals being located within the area of the intersection of two channels and positioned such that the first input terminal making contact with a first electrical conductor and the second input terminal making contact with the second electrical conductor during installation of the luminaire no matter through which channel the electrical cord is routed as recited in claim 39;
- 3) wherein the luminaires can be relocated along the interconnecting cable as recited in claims 47, 56 and 66; and

4) wherein the luminaires can be connected to the interconnecting cable in any one of four possible orientations as recited in claims 48, 57 and 67.

Response to Arguments

8. Applicant's arguments filed 12/17/07 have been fully considered but they are not persuasive. Applicant argues that the amendments to the rejected claims make them allowable. To the contrary, the apparatus with inductive reactance is shown in Nilssen for the reasons discussed in the rejections. The other arguments are accepted.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875